

Serial No.: 10/714,994
Inventor(s): Morin et al.

U.S. PTO Customer No. 25280
Case No.: 5150A

REMARKS

The Pending Claims

Claims 27-35 have been added, thus, claims 9-19 and 27-35 are currently are pending in the application.

Response

Claims 9-13 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nordin (US Patent 5,804,274).

The Office Action states that Nordin does not teach that the long filaments are at least about 10 denier per filament greater than the denier of the filaments of the short loops, but that it is obvious over the Nordin patent. Applicants respectfully disagree with this analysis. Nordin discloses that the short filaments are less than 1 Dtex (0.9 denier) and the long yarns have filaments that are substantially greater above 1 Dtex. In the Example of Nordin the short filaments are 0.3 Dtex and the long filaments are 1.5 Dtex. The short and long fibers are approximately 1 denier different, not at least 10 denier as recited in Claim 9. Based off the teachings and reading the ranges in context, one skilled in the art would interpret "substantially greater than 1 Dtex" as in the range of approximately 1.5 Dtex, not 10 Dtex.

The Office Action states that because the long loop filaments of Nordin are coarser than the short loop filament of Nordin, the long loops will inherently be stiffer than the short loops. The Applicants respectfully disagree with this conclusion. Stiffness and coarseness are not inherently the same. The American Heritage College Dictionary defines coarse to be lacking in delicacy or refinement or rough, especially to the touch. The American Heritage College Dictionary defines stiff to be difficult to bend or rigid. (See attached dictionary entries) A fiber or yarn that is coarse is not necessarily stiff and a stiff fiber or yarn is not necessarily coarse.

Claims 15-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nordin in view of Yamazaki. The Office Action states that Nordin fails to teach or suggest employing a long loop yarn (a) having a cross-sectional aspect ratio of greater than 1.2, (b) having a cross-sectional shape including on corner edge, (c) having a rectangular cross-sectional shape, or (d) comprising a slit tape yarn. The Office Action states that Yamazaki teaches a looped fabric comprising fibers of a lobed cross-sectional shape and/or an aspect ratio of 1.2-

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4. The Office Action goes on to state that it would be obvious to one skilled in the art to employ a non-round cross-section fiber of Kawazaki for the long loop yarns of Nordin. Applicants respectfully disagree with this conclusion.

Applicants respectfully submit that Kamazaki is non-analogous art to the present invention. In order for a reference to be analogous art, the reference must either be from the same field of endeavor, regardless of the problem addressed, or reasonably pertinent to the particular problem with which the inventor is involved. *In re Clay*, 966 F.2d 656; 23 USPQ2d 1058 (Fed. Cir. 1992). Kamazaki is directed to the female member of a hook and loop fastener. In contrast, the present invention is directed to a cleaning cloth. The Applicants respectfully submit that the issues surrounding the design of a female member for a hook and loop fastener is substantially different from the issues surrounding the design cleaning cloths. Therefore, Applicants respectfully submit that Kawazaki is not directed to the same field of endeavor as the claimed invention.

The problem addressed by Kawazaki is to provide a female member of a hook and loop fastener that can be used with various configurations of the male member in the hook and loop fastener. In contrast, the problem addressed by the present invention is to create a cleaning cloth with both stiff loops and receiving loops to better clean surfaces. The Applicants respectfully submit that a person trying to create cleaning cloths would not reasonably look to art trying to create a versatile female member of a hook and loop fastener.

As can be seen from the divergent fields and the different purposes of Kawazaki and the present invention, Kawazaki is non-analogous art. Therefore, the Applicants respectfully submit that Kawazaki should not be considered in an obviousness type rejection.

Furthermore, the Applicants respectfully submit that there is no teaching, suggestion, or motivation to combine Nordin with Kawazaki. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. *In re Mills*, 916 F.2d 860, 16 USPQ2d 1430, 4132 (Fed. Cir. 1990). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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Nordin is directed towards a cleaning cloth for cleaning dirty surfaces with one side having longer loops of yarn having normal fiber fineness and shorter loops of microfilament for improved absorbency. Different fiber configurations are disclosed, but there is no teaching or suggestion that there is a need to have the long loops of yarn having a cross-sectional shape other than round. Further, Nordin teaches away from non-round shapes by teaching that the longer loops being round in shape are preferred because of lower friction against the support. (Col 3, lines 36-40) There is no teaching, suggestion, or motive to use the female member of a hook and loop fastener of Kawazaki for cleaning surfaces.

Additionally, all the claim limitations must be taught or suggested by the prior art as stated in MPEP § 2142. For the sake of argument, even if the Nordin and the Kawazaki references were combined, Appellants respectfully submit that this standard is not met with regard to the claims as now presented. For example, neither the Nordin nor the Kawazaki patents, together or singly, teach or suggest a stiff yarn being a slit film or receiving loops and the stiff loops that originate at about the same location on the first side of the base substrate and return to the first side of the base substrate at about the same location. Therefore, Applicants believe that the claimed invention is not obvious over Nordin or with Nordin in view of Kawazaki.

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Conclusion

In view of the forgoing amendments and remarks, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

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Respectfully submitted,

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